



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No.: IT-95-5/18-T

Date: 6 September 2012

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Order of: 6 September 2012

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

ORDER LIFTING THE CONFIDENTIALITY OF FILINGS

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

The Government of Germany

via the Embassy of Germany
to The Netherlands, The Hague

Standby Counsel

Mr. Richard Harvey

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”),

RECALLING that on 28 June 2012, the Accused’s filed publicly the “Third Notice of Interview: Christoph von Bezold” (“Notice”) stating that the Accused’s legal adviser would be interviewing von Bezold at a given date and time in a location identified in the Notice;

RECALLING further that on 29 June 2012, the Chamber ordered the Notice to be provisionally placed under seal due to the confidentiality concerns raised by the Government of the Federal Republic of Germany (“Germany”);¹

NOTING that, on 3 September 2012, the Accused’s filed publicly the “Withdrawal of Motion to Report Germany to the United Nations Security Council” (“Notice of Withdrawal”) and it was also provisionally placed under seal pursuant to an order by the Chamber of the same day to alleviate potential confidentiality concerns;²

NOTING the correspondence exchanged between Germany and the Accused’s legal adviser on 13 July 2012;

CONSIDERING that filings related to proceedings should be public unless there are exceptional reasons for keeping them confidential;³

CONSIDERING that the interview with von Bezold has already taken place⁴ and there no longer remain reasons for the Notice, the Notice of Withdrawal, and two related filings from Germany,⁵ to remain confidential, and that consequently they should be reclassified as public;

PURSUANT TO Article 21(2) of the Statute of the Tribunal and Rules 54 and 78 of the Rules, the Chamber

¹ The Chamber communicated this order *via* email on 29 June 2012. The Chamber’s order was put on the record during the status conference held on 3 September 2012, see T. 27779 (3 September 2012) (private session).

² Oral ruling, T. 28780–2781 (3 September 2012) (private session).

³ *See* Rules 78 and 79 of the Rules of Procedure and Evidence of the Tribunal (“Rules”).

⁴ Notice of Withdrawal, p. 2.

⁵ Note Verbale, confidential, 8 June 2012; Note Verbale, confidential, 20 June 2012 (together, “Notes Verbales”).

HEREBY:

- a.) **ORDERS** the Registry to lift the confidentiality of the Notice;
- b.) **ORDERS** the Registry to lift the confidentiality of the Notice of Withdrawal;
- c.) **ORDERS** the Registry to lift the confidentiality of the Notes Verbales; and
- d.) **ORDERS** the Registry to serve a copy of this Order to Germany.

Done in English and French, the English text being authoritative.



Judge O-Gon Kwon
Presiding

Dated this sixth day of September 2012
At The Hague
The Netherlands

[Seal of the Tribunal]